

In the United States Patent and Trademark Office

Serial No.: 10/595,442

§

Filing date: April 20, 2006

§

Title: PRECISION SPINDLE INSTRUMENT
HOLDER FOR SURGICAL INSTRUMENT

§

§

§

Docket No: PUS-P001-042N

§

Applicant: DESARZENS, Yves

CERTIFICATE OF TRANSMISSION. I hereby certify that this correspondence is being facsimile transmitted

On 16 November 2006 By: [Signature]Typed or printed name of person signing this certificate: Joselin Hug**FAX TRANSMITTAL**

Via facsimile: 001-571-273-0459 to:

PCT Legal Office

USPTO

P.O. Box 1450

Alexandria, VA 22313-1450

USA

RECEIVED

16 NOV 2006

Legal Staff
International Division

Total: 8 pages (including this page)

Dear Sirs:

Attached please find a Request regarding Notification of Abandonment, a copy of your Electronic Acknowledgement Receipt as received on April 20, 2006, as well as our Transmittal Letter concerning the above-mentioned application.

Respectfully submitted,

Caroline Boone
U.S. Reg. No. 48,282
Attorney-at-law

Date: November 16, 2006

Encl: - Request regarding Notification of Abandonment
- Electronic Acknowledgement Receipt
- Transmittal Letter

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION:	§	DOCK. NO.: PUS-P001-042N
	§	
INVENTOR:	§	SERIAL NO.:
Yves Desarzens	§	10/595,442
	§	
FILED: April 20, 2006	§	GROUP ART UNIT:
	§	not assigned
FOR: PRECISION SPINDLE	§	
INSTRUMENT HOLDER FOR	§	EXAMINER:
SURGICAL INSTRUMENT	§	not assigned
	§	

REQUEST REGARDING NOTIFICATION OF ABANDONMENT**PCT Legal Office**

USPTO

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir or Madam:

Applicant respectfully requests withdrawal of the Notification of Abandonment for the above-referenced matter. A brief statement of the facts which led to the issuance of the Notification of Abandonment follows.

On April 20, 2006, Applicant's representative electronically filed a US National Stage patent application. The filing essentially consists of a 32-page, multiple-part document, with the name, PUS_P001_042N_Filing.pdf. The Electronic Acknowledgement Receipt (attached), issued on the date of filing, acknowledges that the first three pages of the file comprises a transmittal letter.

The transmittal letter (attached) includes an itemization of the fee calculation (page 2) and a directive to pay the calculated fee from the deposit account of this law firm.

It is apparent that someone read and acknowledged the transmittal letter, because this law firm, as representative of the

Applicant, has received no Filing Receipt and no Missing Parts Notice. Instead, on October 16, 2006, we received a Notification of Abandonment.

A check has been made of the firm's deposit account (account number 502621). Our records indicate that no withdrawal from the account was made, despite the directive on page three of the transmittal letter.

Applicant's representative has today been in contact with Brian Lin at the PCT office. Mr. Lin was able to confirm that no withdrawal of the fees for the above-referenced case (\$525) was made. Mr. Lin was also able to confirm that the transmittal letter was scanned into the system such that he was able to see the directive given to withdraw from the firm deposit account.

Mr. Lin is of the opinion that the filing was submitted in accordance with USPTO practices. Further, it is clear that there was an intention on the part of this law firm to pay the filing fees. Therefore, we believe the Notification of Abandonment is made in error.

Accordingly, Applicant respectfully requests withdrawal of the Notification of Abandonment of the above-referenced matter and reinstatement of the case for prosecution on the merits.

Respectfully Submitted,



Carrie A. Booge
Reg. No. 48,282
Moetteli & Associes SaRL

November 16, 2006
Date

Electronic Acknowledgement Receipt

EFS ID:	1026936
Application Number:	10595442
Confirmation Number:	9772
Title of Invention:	PRECISION SPINDLE INSTRUMENT HOLDER FOR SURGICAL INSTRUMENT
First Named Inventor:	Yves DESARZENS
Customer Number:	51184
Filer:	John Moetteli
Filer Authorized By:	
Attorney Docket Number:	PUS-P001-042N
Receipt Date:	20-APR-2006
Filing Date:	
Time Stamp:	11:19:57
Application Type:	U.S. National Stage under 35 USC 371
International Application Number:	PCT/IB04/03684

Payment information:

Submitted with Payment	no
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File Listing:

Document Number	Document Description	File Name	File Size(Bytes)	Multi Part	Pages
1		PUS-P001-042N_Filing.pdf	4763517	yes	32

Multipart Description			
Doc Desc		Start	End
Transmittal letter		1	3
Specification		4	10
Claims		11	13
Abstract		14	14
Drawings		15	18
Documents submitted with 371 Applications		19	30
Oath or Declaration filed		31	31
Power of Attorney (may include Associate POA)		32	32

Warnings:**Information:****Total Files Size (In bytes):**

4763517

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 Indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0851-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER PUS-P001-042N
		U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
INTERNATIONAL APPLICATION NO. PCT/IB2004/003684	INTERNATIONAL FILING DATE 10.11.2004	PRIORITY DATE CLAIMED 10.11.2003
TITLE OF INVENTION PRECISION SPINDLE INSTRUMENT HOLDER FOR SURGICAL INSTRUMENT		
APPLICANT(S) FOR DO/EO/US DESARZENS, Yves et al		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input checked="" type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371. 2. <input type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input checked="" type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). Items 11 to 20 below concern document(s) or information included: 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input checked="" type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825. 18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1460, Alexandria, VA 22313-1460. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1460, Alexandria, VA 22313-1460.

PTO-1390 (Rev. 07-2005)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/IB2004/003684		ATTORNEY'S DOCKET NUMBER PUS-P001-042N	
20 Other items or information:					
The following fees have been submitted					
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				CALCULATIONS	PTO USE ONLY
				\$ 300.00	
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))					
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0				\$ 200.00	
All other situations..... \$200					
23 <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))					
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100				\$ 400.00	
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations..... \$500					
TOTAL OF 21, 22 and 23 =				900.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	/50 =		x \$250	\$	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	23 - 20 =	3	x \$ 50	\$ 150.00	
Independent claims	- 3 =		x \$200	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$	
TOTAL OF ABOVE CALCULATIONS =				\$ 1050.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.					
SUBTOTAL =				\$ 525.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$ 525.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$ 525.00	
				Amount to be refunded:	\$
				Amount to be charged	\$

PTO-1390 (Rev. 07-2005)
Approved for use through 3/31/2007. OMB 0651-0021
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ _____ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 502621 in the amount of \$ 525.00 to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 502621. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

John MOETTELI
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CH-9000 St. Gallen
SWITZERLAND

e-mail: moetteli@patentinfo.net

Customer No. 51184

SIGNATURE

John MOETTELI

NAME

35,289

REGISTRATION NUMBER